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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DAVID LUCERO,

Plaintiff,

vs.

SMITH-PALLUCK ASSOCIATES CORP.,  
d/b/a LAS VEGAS ATHLETIC CLUBS

Defendant.

Case No. 2:17-cv-01399-JAD-CWH

**STIPULATION AND ORDER TO  
EXTEND SCHEDULING ORDER  
DEADLINES BY 30 DAYS**

**(Fourth Request)**

Pursuant to LR IA 6-1 and LR 26-4, plaintiff David Lucero (“Plaintiff”), defendant Smith-Palluck Associates Corp., d/b/a Las Vegas Athletic Clubs (“LVAC”) (together, the “Parties”), by and through their respective counsel of record, stipulate and request that this Court extend discovery and dispositive motion deadlines in the above-captioned case by approximately 30 days. The requested extension will allow the Parties to efficiently address, without the Court’s involvement, scheduling issues related to LVAC’s Rule 30(b)(6) deposition, as well as issues raised following the TCPA decision from the United States Court of Appeals for the District of Columbia in *ACA International v. Federal Communications Commission* (“*ACA International*”). The Parties have conferred and agree that this brief extension is the most reasonable, most economical, and least burdensome way to proceed with

discovery in this case.

This is the Parties' fourth request for an extension to the scheduling order deadlines. The Parties make this request in good faith and not for purposes of delay.

**I. Discovery Completed and Remaining**

Plaintiff has served written discovery to LVAC, a third-party subpoena, an expert disclosure and supplement thereto, and a notice of deposition of LVAC's Rule 30(b)(6) designee. LVAC has served responses and objections to Plaintiff's written discovery. LVAC has served written discovery to Plaintiff and a notice of Plaintiff's deposition. The Parties are in the process of conferring regarding certain pending discovery matters, including scheduling expert and possible third-party depositions.

**II. Good Cause Exists for the Requested Extension**

Good cause exists for the requested extension. On March 16, 2018, the D.C. Circuit issued its ruling in *ACA International* in an effort to clarify the types of calling equipment within the TCPA's restrictions. LVAC's counsel raised certain issues as a result of the *ACA International* case. Plaintiff's counsel disagreed with LVAC's position. Additionally, due to scheduling issues, LVAC's counsel had to re-schedule LVAC's Rule 30(b)(6) deposition. After productively meeting and conferring, Plaintiff's counsel agreed as a professional courtesy, to allow additional time without Court intervention. The extended time for discovery allows the Parties to efficiently schedule party and expert depositions, and possible third-party depositions, for dates and times that minimize burdens upon the witnesses and counsel. For these reasons, the Parties believe their request for an extension should be granted.

*[Continued on following page.]*

III. Proposed Discovery Deadlines

The Parties request an order extending the deadlines for disclosure of rebuttal experts, discovery, dispositive motions, and the pre-trial order. This extension is reasonable and necessary given the good cause set forth above.

Event	Current Deadline <sup>1</sup>	New Deadline
Disclosure of Rebuttal Expert	April 30, 2018	Wednesday, May 30, 2018
Close of Discovery	June 6, 2018	Friday, July 6, 2018
Dispositive Motions	July 6, 2018	Monday, August 6, 2018 <sup>2</sup>
Pre-Trial Order	August 6, 2018	Wednesday, September 5, 2018

IT IS SO STIPULATED.

Respectfully submitted this 30th day of April, 2018.

KAZEROUNI LAW GROUP, APC

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**ORDER**

IT IS SO ORDERED:

  
UNITED STATES MAGISTRATE JUDGE

DATED: May 1, 2018

<sup>1</sup> See ECF Nos. 11, 22, and 26.

<sup>2</sup> Thirty days after July 6, 2018, falls on Sunday, August 5, 2018. The deadline is thus advanced to the next judicial day.